

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

B. Braxton/Obed-Edom,

Plaintiff,

-against-

The City of New York et al.,

Defendants.

USDC SDNY
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1:17-cv-00199 (GBD) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

WHEREAS, on March 19, 2020, District Judge Daniels entered a Memorandum and Order recommitting this matter to the undersigned for further analysis regarding whether Plaintiff was mentally incapable of entering into the August 2018 General Release (the "Release"), which otherwise would bar his claims in this action, and, if so, the circumstances of Plaintiff's counsel's involvement in the signing of the Release, which may affect the validity of the contract (see Mem. & Order, ECF No. 146); and

WHEREAS, the undersigned deems it appropriate for the parties to conduct discovery regarding the foregoing.

NOW, THEREFORE, it is hereby ORDERED as follows:

1. The parties shall have sixty (60) days from the date of this Order to conduct discovery, including any document discovery or depositions, regarding Plaintiff's mental capacity at the time he signed the Release and the circumstances of his counsel's involvement. This may include, but is not limited to, third-party discovery from the Central New York Psychiatric Center and Tracie A. Sundack, Esq.

2. In light of recent public health developments and pursuant to Rules 30(b)(3) and 30(b)(4) of the Federal Rules of Civil Procedure, any depositions in this action may be taken via telephone, videoconference or other remote means. In addition, pursuant to Rule 30(b)(5), a deposition will be deemed to have taken place "before an officer appointed or designated under Rule 28" if such officer attends the deposition using the same remote means used to connect all other participants, so long as all participants (including the officer) can clearly hear and be heard by all other participants.
3. No later than seven (7) days following the completion of such discovery, Defendant shall notify the Court whether it intends to make any dispositive motion with respect to Plaintiff's mental capacity and the validity of the Release. If so, Defendant shall, include in its letter a proposed briefing schedule.

A copy of this Order will be mailed to the *pro se* Plaintiff by Chambers.

SO ORDERED.

DATED: New York, New York
 April 8, 2020



STEWART D. AARON
United States Magistrate Judge